EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview with Charles Monterio on Thursday, December 2, 2010.

        The application has been amended as follows:

Claims 35-44 are cancelled.

Claim 21 has been replaced with the following:

21. A non-transitory computer readable storage medium with an executable game program stored thereon, the program instructs a computer to:

(a) provide an action game space in which a player character moves in response to an operation of a game player and in which a plurality of target characters are arranged as attack targets;

(b) display a game scene with the plural target characters arranged within a visual range viewed from the player character, on a monitor display connected to the computer;

(c) set a first zone, a second zone set outside of and next to the first zone, and an outer zone set outside of and next to the second zone at every time when the player

character moves in the game space, wherein said first, second and outer zones are defined within said visual range based on one of distances from a reference point and angles from a reference line, which reference point or line is defined based on the current location of the player character, so that said first zone is nearest to the reference point or line;

(d) judge a current location with respect to each of said plurality of target characters displayed within the visual range;

(e) select any target character which is currently in the first zone and any target character which is currently in the second zone but was in the first zone at a certain time, said selection omits any target character which is currently in the outer zone and any target character which has moved in the second zone from the outer zone at said certain time;

(f) decide recommended priorities of selections to the respective target characters selected at (e) as candidate objects for attack in accordance with the current locations so that the candidate object located nearer to the reference point or line is given with the higher priority;

(g) allow the player to change selection of the candidate object for attack sequentially in accordance with the order of the priorities from a higher priority to a lower priority in response to operation by the game player; and

(h) allow the player to attack the object selected at (g).

Claim 31 has been replaced with the following:

31. An electronic device provided with a controller operable by a game player and configured to display game scenes of an action game progressing in a game space in response to the operation on the controller, the electronic device being configured to perform:

(a) providing the game space with a player character, which moves in the game space in response to an operation of the game player, and a plurality of target characters which are arranged in the game space to be attackable from the player character;

(b) displaying a game scene with the plural target characters arranged within a visual range viewed from the player character, on a monitor display connected to the electronic device;

(c) setting a first zone, a second zone set outside of and next to the first zone, and an outer zone set outside of and next to the second zone at every time when the player character moves in the game space, wherein said first, second and outer zones are defined within said visual range based on one of distances from a reference point and angles from a reference line, which reference point or line is defined based on the current location of the player character, so that said first zone is nearest to the reference point or line;

(d) judging a current location with respect to each of said plurality of target characters displayed within the visual range;

(e) selecting any target character which is currently in the first zone and any target character which is currently in the second zone but was in the first zone at a certain

time, said selection omits any target character which is currently in the outer zone and any target character which has moved in the second zone from the outer zone at said certain time;

(f) deciding recommended priorities of selections to the respective target characters selected at (e) as candidate objects for attack in accordance with the current locations so that the candidate object located nearer to the reference point or line is given with the higher priority;

(g) allowing the player to change selection of the candidate object for attack sequentially in accordance with the order of the priorities from a higher priority, in response to operation by the game player; and

(h) allowing the player to attack the object selected at (g).

Election/Restrictions

2.   Claims 21, 23, 25, and 29-33 are allowable. Claims 30 and 33 previously withdrawn from consideration as a result of a restriction requirement require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement among inventions species I and species II as set forth in the Office action mailed on 11/02/2009, is hereby withdrawn and claims 30 and 33 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

        In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or

includes all the limitations of, a claim that is allowable in the present application, such

claim may be subject to provisional statutory and/or nonstatutory double patenting

rejections over the claims of the instant application.

Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121

are no longer applicable. See In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-

32 (CCPA 1971). See also MPEP § 804.01.

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DAMON PIERCE whose telephone number is (571)270-

1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

4.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/
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